

1 Pursuant to Civil Local Rules 6-2 and 7-12, defendant Panoptx, Inc. ("Panoptx") and plaintiff
2 Protective Optics, Inc. ("Protective Optics") stipulate as follows and respectfully request that the
3 Court enter the following Proposed Order:

4 WHEREAS on October 23, 2006, the Court issued its Claim Construction Order;

5 WHEREAS, under Local Patent Rule 3-6, the last day for Protective Optics to submit its
6 final infringement contentions was November 22, 2006, and the last day for Panoptx to submit its
7 final invalidity contentions is December 12, 2006

8 WHEREAS on November 14, 2006, the parties submitted a Stipulation and Proposed Order
9 asking the Court to extend the deadline for Protective Optics to submit its final infringement
10 contentions;

11 WHEREAS on November 17, 2006, the Court entered that Order and extended the deadline
12 for Protective Optics' final infringement contentions until January 8, 2007;

13 WHEREAS under Patent Local Rule 3-6, the defendant's final invalidity contentions are
14 ordinarily due 20 days after the filing of plaintiff's final infringement contentions;

15 WHEREAS, this extension will not unduly burden any party nor cause a delay in the trial of
16 this case, which, as of the date of this request, has not yet been scheduled;

17 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, subject to
18 Court approval, as follows:

19 1. The deadline for Panoptx to submit its final invalidity contentions is extended from
20 December 12, 2006, to and including January 26, 2007.

22 Dated: December 8, 2006

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

24 By: _____ /s/
25 Michael D. Lisi
26 Attorneys for Defendant PANOPTX, INC.
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1 Dated: December 8, 2006

GREENBERG TRAURIG, LLP

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3 By: _____ /s/
4 Daniel T. McCloskey
5 Attorneys for Plaintiff and Cross-Defendant,
6 PROTECTIVE OPTICS, INC
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I hereby attest that I have been authorized by Daniel T. McCloskey to execute on his behalf
this Stipulation and [Proposed] Order Extending the Deadline for Defendant Panoptx to Submit its
Final Invalidity Contentions.

10 Executed on this 8th day of December, 2006 at San Francisco, California.
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12 _____ /s/ Michael D. Lisi
13 MICHAEL D. LISI
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16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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18 Dated: December 13, 2006
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